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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,092	11/13/2003	Yohei Yamamoto	245301US2	7287
22850 7590 07/31/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER WINTER, JOHN M	
			ART UNIT 3621	PAPER NUMBER
			NOTIFICATION DATE 07/31/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/706,092	YAMAMOTO, YOHEI	
	<b>Examiner</b>	<b>Art Unit</b>	
	John M. Winter	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-443 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

The Applicants amendment filed on July 6, 2007 is acknowledged. Claims 1-44 are pending

### ***Response to Arguments***

Applicants' arguments filed January 29, 2007 have been fully considered but they are not persuasive.

The Applicant states that neither Christiano nor Coley disclose or suggest a license acquisition request being sent from a service offer device to a management apparatus, and a license being sent from a license management apparatus to the service offer device in response to the license acquisition

The Examiner responds that Christiano describe "license management server" i.e. server, Christiano's system issues licenses for content as per request of the user (client or "service unit"), the Examiner finds no language in the amended claim that specifies that the client and the "service unit" would not be the same entity. The Examiner contends that the present invention is merely a client/server system for issuing licenses.

See following rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christiano (US Patent 5,671,412) in view of Coley et al. (US Patent 5,790,664)

As per claim 1

Christiano ('412) discloses a license management apparatus for managing a license associated with a service that is provided from a service offer service unit to a client, the license management apparatus comprising:

license management section managing the license;(Column 3, lines 20-34)

license acquisition request receiving section receiving an acquisition request for the license from said service offer section; (Column 4, lines 35-46)

Christiano ('412) does not explicitly disclose license sending section sending the license to said service service unit section in response to the acquisition request for the license so that the client is permitted to use the service.

Coley et al. ('790) discloses license sending section sending the license to said service service unit section in response to the acquisition request for the license so that the client is permitted to use the service. (Figure 2) It would be obvious to one having ordinary skill in the art at the time of the invention to combine Christiano ('412)'s system with Coley et al. ('790)'s teaching in order to automatically track software usage by tracking the distribution of licenses

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Claims 12, 23 and 34 are in parallel with claim 1 and are rejected for at least the same reasons.

As per claim 2,

Christiano ('412) discloses the license management apparatus as claimed in claim 1, further comprising license counting section counting a value associated with the license. (Figure 7, column 9, lines 40-64)

Claims 13, 24 and 35 are in parallel with claim 2 and are rejected for at least the same reasons.

As per claim 3,

Christiano ('412) discloses the license management apparatus as claimed in claim 2, wherein said license counting section counts the value when the license is acquired from authentication section that issues the license. (Figure 7, column 9, lines 40-64)

Claims 14, 25 and 36 are in parallel with claim 3 and are rejected for at least the same reasons.

As per claim 4,

Christiano ('412) discloses the license management apparatus as claimed in claim 2, wherein said license counting section counts the value when the license is sent to said service

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offer section in response to the acquisition request for the license. (column 10, lines 34-48)

Claims 15, 26 and 37 are in parallel with claim 4 and are rejected for at least the same reasons.

As per claim 5,

Christiano ('412) discloses the license management apparatus as claimed in claim 1, wherein the acquisition request for the license includes a license identifier that identifies the license.(Figure 11)

Claims 16, 27 and 38 are in parallel with claim 5 and are rejected for at least the same reasons.

As per claim 6,

Christiano ('412) discloses the license management apparatus as claimed in claim 1, wherein said license management section manages the license and the license identifier that identifies the licene by relating to each other. (column 10, lines 25-33)

Claims 17, 28 and 39 are in parallel with claim 6 and are rejected for at least the same reasons.

As per claim 7,

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Christiano ('412) discloses the license management apparatus as claimed in claim 1, further comprising license identifier acquisition request receiving section for receiving an acquisition request for the license identifier that identifies the license. (Figure 11, column 6, lines 12-18)

Claims 18, 29 and 40 are in parallel with claim 7 and are rejected for at least the same reasons.

As per claim 8,

Christiano ('412) discloses the license management apparatus as claimed in claim 1, further comprising license identifier sending section for sending the license identifier to a requesting section in response to the acquisition request for the license identifier that identifies the license. (Figure 11, column 6, lines 12-18)

Claims 19, 30 and 41 are in parallel with claim 8 and are rejected for at least the same reasons.

As per claim 9,

Christiano ('412) discloses a service offer apparatus comprising service offer section for providing a service to service use section, wherein said service offer section comprises:

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license acquisition request sending section sending an acquisition request for the license associated with the service to license managing section for managing the license; (Column 4, lines 35-46)

Christiano ('412) does not explicitly disclose license receiving section receiving the license from said license management section so that the client is permitted to use the service. Coley et al. ('790) discloses license receiving section for receiving the license from said license management section so that the client is permitted to use the service.(Figure 2) It would be obvious to one having ordinary skill in the art at the time of the invention to combine Christiano ('412)'s system with Coley et al. ('790)'s teaching in order to automatically track software usage by tracking the distribution of licenses

Claims 20, 31 and 42 are in parallel with claim 9 and are rejected for at least the same reasons.

As per claim 10,

Christiano ('412) discloses the service offer apparatus as claimed in claim 9, wherein the acquisition request for the license contains a license identifier that identifies the license. (Figure 11)

Claims 21, 32 and 43 are in parallel with claim 10 and are rejected for at least the same reasons.



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As per claim 11,

Christiano ('412) discloses the service offer apparatus as claimed in claim 9, further comprising license sending section for sending the license acquired from said license management section to said license management section. (Figure 11, column 6, lines 12-18)

Claims 22, 33 and 44 are in parallel with claim 11 and are rejected for at least the same reasons.

### ***Conclusion***

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Also in accordance with *In re Lee*, 277 F.3d 1338, 1344-45, 61 USPQ2d 1430, 1434-35 (Fed. Cir. 2002), the Examiner finds that Nathan J. Muller's Desktop Encyclopedia of the Internet, ("Desktop Encyclopedia") is additional evidence of what is basic knowledge or common sense to one of ordinary skill in this art. Muller's Desktop Encyclopedia is a practical reference that clearly explains Internet services, applications, protocols, access methods, development tools, administration and management, standards, and regulations. Because of the

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reference's basic content (which is self-evident upon examination of the reference) and after further review of the entire record including the prior art now of record in conjunction with the factors as discussed in MPEP §2141.03 (where practical), the Examiner finds that the Desktop Encyclopedia is primarily directed towards those of low skill in this art. Because the reference is directed towards those of low skill in this art, the Examiner finds that one of ordinary skill in this art must—at the very least—be aware of and understand the knowledge and information contained within the Desktop Encyclopedia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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John Winter

Patent Examiner -- 3621



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